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REGULATIONS FOR THE SUBDIVISION OF LAND

FREDERICK CITY PLANNING COMMISSION

FREDERICK, MARYLAND

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FREDERICK CITY PLANNING COMMISSION

G. HUNTER BOWERS, *Chairman*

JACOB R. RAMSBURG, *Secretary*

WILLIAM B. BENNETT

WILLIAM M. STORM

W. R. WALTER, *City Engineer*

FREDERICK CITY PLANNING COMMISSION
REGULATIONS
RELATING TO THE CONTROL OF
LAND SUBDIVISION

Pursuant to the authority vested in The Mayor and Aldermen of Frederick by Chapter 443 of the Acts of the General Assembly of Maryland now codified as Sections 438 to 460 of Article 11 of the Code of Public Local Laws of Maryland of 1930 entitled "Frederick County" sub-title "Frederick" to appoint a Planning Commission to make, adopt, amend, extend, add to and carry out a municipal plan to regulate the sub-division of land, the Frederick City Planning Commission herewith adopts and promulgates on this 30th day of August, 1945, the regulations set forth relating to the control of land subdivision.

FREDERICK CITY PLANNING COMMISSION

(Signed) G. HUNTER BOWERS, *Chairman*

(Signed) JACOB R. RAMSBURG, *Secretary*

REGULATIONS FOR THE CONTROL OF LAND SUBDIVISION

EXTRACT FROM ENABLING LEGISLATION

(Chapter 443 of the Acts of the General Assembly of
Maryland of 1929)

1. The word "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The term "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

2. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning commission shall forfeit and pay a penalty not exceeding \$100 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

3. The territorial jurisdiction of the Planning Commission over the subdivision of land shall include all land located in the City and all land within one (1) mile of the corporate limits of the City of Frederick.

4. The municipality shall not accept, lay out, open, improve, grade, pave, curb, or light any street, or lay or authorize water mains or sewers or connections to be laid

in any street, within any portion of territory for which the planning commission shall have adopted a major street plan, unless such street (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption of such plan, or unless such street (b) corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the Planning Commission or with a street on a street plat made by and adopted by the Commission. The Board of Aldermen may, however, accept any street not shown on or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure accepting such street be first submitted to the municipal planning Commission for its approval and, if approved by the Commission, be enacted or passed by not less than a majority of the entire membership of Board or, if disapproved by the Commission, be enacted or passed by not less than two-thirds of the entire membership of Board. A street approved by the Planning Commission upon submission by Board, or a street accepted by a two-thirds vote after disapproval by the Planning Commission, shall thereupon have the status of an approved street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the Commission or had been originally platted by the Commission.

5. From and after the time when the Planning Commission shall have adopted a major street plan (this plan adopted October 9, 1945) of the territory within its subdivision jurisdiction or part thereof, no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefore unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the Planning Commission or with a street on a street plat made by and adopted by the Commission or with a street accepted by The Mayor and Aldermen of

Frederick. Any building erected in violation of this section shall be deemed an unlawful structure, and the city may cause it to be vacated and have it removed.

6. The Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat.

THE REGULATIONS

DEFINITIONS AS USED IN THESE REGULATIONS

Section 1 (a) The term "Commission" means the Frederick City Planning Commission.

(b) The term "subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(c) The term "Master Plan" means a plan for the physical development of the City of Frederick and all land outside the City within one mile of the corporate limits, or any amendment or extension of the plan or addition to the plan adopted by the Commission pursuant to the authority vested in it by the Act setting up the Commission.

PROCEDURE FOR THE PREPARATION AND FILING OF PLATS

Section 2. (a) Whenever any subdivision of land is proposed to be made, and before any contract for the sale, of, or any offer to sell said subdivision or any part thereof is made, the subdivider thereof or his agent shall file a plat of the proposed subdivision with the Commission for its approval. Said plat and all procedure relating thereto shall in all respects be in full compliance with the provisions of these regulations.

(b) The subdivider shall prepare a Preliminary Subdivision Plat, and wherever required by the Commission, Street Profiles; and shall present three prints of each to the Commission for approval.

NOTE: *It is suggested that the subdivider or his engineer call at the office of the City Engineer in order to obtain information as to subdivision requirements and Master Plan recommendations for the area under consideration, and information as to sewer and water requirements.*

(c) The Commission will approve or disapprove the Preliminary Subdivision Plat and Street Profiles or approve them with modifications noting thereon any changes that will be required. One copy will be returned to the subdivider and the other two copies will be retained for the files of the Commission.

(d) The Commission, in studying the Preliminary Subdivision Plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to width, arrangement and location of streets, surface drainage, lot sizes and arrangement, as well as any Master Plan requirements such as parks, school sites, boulevards and main highways. Adequate street connections will be required to insure free access to adjoining subdivisions and lands.

(e) The subdivider, following tentative approval of the Preliminary Subdivision Plat and Street Profiles, shall file with the Commission original drawings of the Final Subdivision Plat and Street Profiles. These will be checked by the Commission as to accuracy and required information.

(8) In general, side lot lines shall be at right angles or radial to street lines.

(9) Reversed frontages of lots at street intersections shall be avoided where possible.

(10) Residence lots shall have a minimum frontage of 50 feet at the building line, average depth of not less than 70 feet and a minimum area of 5,000 square feet, and shall front on a public street.

(11) Corner lots shall have a minimum width to provide a 15-foot side yard along the side street in case no lots within the block are arranged to front thereon, or a 25-foot side yard if the side street is used for frontages.

(12) Grades of all streets shall be the reasonable minimum, but shall be not less than 0.5 per cent.

(13) Alleys with a minimum width of 20 feet shall be provided at the rear of all lots designed for Business or Industrial use.

(14) No land designated as "Residential" by the Zoning Ordinance shall be subdivided if such land is considered unsuitable for residential use by the Commission.

(15) In case a parcel is subdivided into larger tracts than for normal building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

(16) When requested by the Commission no subdivision plan shall receive final approval until there has been filed with the Commission complete street profile plans conforming with the requirements of the Commission.

(17) Monuments of an approved type shall be set as required and as shown on the final plat.

THE PRELIMINARY SUBDIVISION PLAN

Section 4. (a) The subdivider shall present to the Commission a tentative map prepared by a competent surveyor. Three copies of the Preliminary Subdivision Plat shall be filed with the Commission at a scale not smaller than one

inch equals 100 feet, showing the following information:

- (1) Subdivision name.
- (2) Name and address of record owner, subdivider and surveyor.
- (3) Location, names and present width of adjacent streets and alleys.
- (4) Location and names of adjacent subdivisions and names of owners of adjacent acreage.
- (5) Width and location of all streets and other public ways.
- (6) Width and location of all building lines and easements.
- (7) Lot lines with approximate dimensions.
- (8) Method of sewage disposal proposed.
- (9) Proposed uses of property.
- (10) Public areas proposed, if any.
- (11) Topographic map at suitable scale when required by Commission.
- (12) Date, north point and scale.
- (13) Deed description or survey of plat boundary.
- (14) Abstract of title of the land within the proposed subdivision, setting forth all legal or equitable interests therein.

(b) After filing with the Commission, the Preliminary Subdivision Plat shall be approved or disapproved by the Commission, or approved by the Commission with modifications. Such approval or disapproval shall be indicated on the copies thereof, and the modifications, if any, shall also be indicated on the copies of the Preliminary Subdivision Plat or annexed thereto. One copy of the Preliminary Subdivision Plan shall be returned to the subdivider and one copy retained for the files of the Commission and one filed by the Commission with the City Engineer. If the Prelim-

inary Subdivision Plat is approved or approved with modifications, the subdivider shall proceed promptly to prepare the Final Subdivision Plat. Unless a Final Subdivision Plat prepared in accordance with the approved Preliminary Subdivision Plat, including the modifications thereof, if any, made by the Commission, is filed with the Commission within six months after the approval of the Preliminary Subdivision Plat, the Commission's approval thereof shall be deemed cancelled.

(c) The Commission shall, prior to acting upon the preliminary subdivision plan for any subdivision, hold not less than one public hearing thereon, after having given notice by publication in some newspaper of general circulation published in Frederick City, once a week for two successive weeks, of the time, place and purpose of said meeting. All interested parties shall be entitled to appear at such hearing. All expenses or costs incurred in giving notice to the public of such hearing are to be borne by the subdivider.

THE FINAL SUBDIVISION PLAT

Section 5 (a) The final subdivision plat shall be clearly and legibly drawn in black India Ink upon tracing cloth. The size of the sheets shall be 18" wide by 12" long including a margin of one-half inch outside ruled border lines or 18" wide by 24" long including a margin of one-half inch outside ruled border lines. The drawing shall be upon a scale of one inch equals 100 feet.

(b) The final subdivision plat shall show:

(1) The street and alley lines, lots, building lines, reservations, easements and areas to be dedicated to public use.

(2) Sufficient data to readily determine the location, bearing and length of every street line, lot line, block line and boundary line and to reproduce same on the ground. Area of each lot must be shown. On lots containing curved lines show the length of arc, length of chord and bearing of the chord for each.

(3) The length of radii, arcs, tangents and chords with

chord bearings and central angles of street curves referenced to a curve table. In computing curves the arc method shall be used rather than the chord method since the arc method gives the true length of the curve, is simpler and leads to no confusion when dealing with short radius curves. By the arc method is meant the angle at the center subtended by an arc of 100 feet to obtain the degree of curve. The relation $100:2\pi \times 3.1416 \times R = D^\circ:360^\circ$ is meant by the arc method for curves for which

R Radius) = 5729.58'

D (degree of curve)

(4) A properly executed dedication form, approval form and registered Land Surveyor's and/or Registered Professional Engineer's certificate, seal and address, in accordance with forms on file in the office of the City Engineer.

(5) Lots numbered in numerical order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order. In case there is a resubdivision of lots in any block, such subdivided lots shall be numbered numerically beginning with the number following the highest lot number in the block.

(6) Permanent reference monuments shown thus \diamond , shall be placed not less than two to each block nor not less than *four* to a subdivision containing two or less blocks. They shall be set in convenient places, preferably at corners of the subdivision, in such manner that from the position of one permanent reference monument the position of one other permanent reference monument will be visible. Such permanent reference monuments shall be made of hard durable stone or reinforced concrete, at least 36 inches in length and 6 inches square at its top which shall be its least dimension, with suitable center point and shall be set flush with the ground and to approved finish grade.

(7) The location of metal monuments $\frac{3}{4}$ inch in diameter and 24 inches in length shown thus: \bigcirc , and located in the ground at all intersections of streets, intersections of streets and alleys with plat boundary lines and at all points on street, alley and boundary lines where there is a change in direction or curvautre and at all lot corners. All

monuments shall be properly set in the ground and to approved finish grade before the final plat is approved.

(8) All bearings are to be referred to true meridian.

(9) Names and locations of adjoining subdivisions and location and ownership of subdivided property.

(10) Name of subdivision, which shall be subject to the approval of the Commission, location, north point and scale.

(11) All distances shown on the final subdivision plat shall be horizontal measurements and shall be shown to the nearest 0.01 foot. No distance on the plat shall be marked more or less except on lines which begin or terminate or bind on a marsh, stream or any body of water.

(c) The final subdivision plat shall show a meridian line drawn through one of the corners of the outline or perimeter of the whole tract and another line drawn at right angles to said meridian through the same point. The meridian so drawn shall be a true meridian. From the said meridian and right angle line all the courses and distances and co-ordinates shown on the plat shall be calculated. The co-ordinates shall be the distances of a point from each of the two lines drawn through the corner of the outline, as above directed, measured on lines parallel with said meridian and said right angle line North or South, East or West of said corner, and these distances shall be marked on the plat at the point where the co-ordinates are required. The plats shall show the co-ordinates for each corner of each avenue, road, street, alley, tangent point of all curved lines, permanent reference monuments and at all corners of the outline or perimeter of the subdivision. If the subdivision adjoins another subdivision already established by co-ordinates and the permanent reference monuments can be found and used, such points so used and the co-ordinate values thereof shall be marked on the plat, then the meridian courses and distances and co-ordinates shall be shown on the plat in accordance with those of the already established co-ordinate system of the elder plat and shall be an extension thereof.

DEDICATION FORMS AND ENGINEER'S CERTIFICATE

Section 6. The following are forms for dedication and engineer's certificate.

DEDICATION FOR INDIVIDUALS

We, and,
his wife, owners of the property shown and described here-
on, hereby adopt this plan of subdivision, establish the mini-
mum building restriction lines, and dedicate the streets,
alleys, walks and parks to public use, however, excepting
from this dedication any lands designated "Two Foot Reser-
vation," such lands to be deemed to be dedicated automati-
cally at such times as street extensions thereto are dedi-
cated in adjoining property.

The requirements of Chapter 1016, Acts of 1945, as far
as it concerns the making of this subdivision plat and set-
ting of the monuments, has been complied with.

There are no suits of action, leases, liens, or trusts on the
property included in this plan of subdivision, except the
following:

.....
.....

And all the lienors and other parties in interest thereto
have below indicated their assent to this plan of subdivision.

Witnessed:

Date:

..... LS

..... LS

We assent to this plan of subdivision.

Witnessed:

Date:

..... LS

..... LS

*(Note: Omit any wording which may not apply. In case
the owner is unmarried this fact should be stated.)*

DEDICATION FOR CORPORATIONS

(Same as foregoing form for individual except as indicated below.)

We, (insert name of corporation), a (name of state) corporation, by (insert name), President and (insert name), Secretary, owners of the property, etc., etc.

Date:

.....
Name of Corporation

By
President

Attest:
Secretary

ENGINEER'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of (part of or all of) the lands conveyed by (insert name of former owner) by deed dated, and recorded in the Land Records of Frederick County, State of Maryland, in Liber..... at Folio.....; and that monuments marked thus: \diamond , and iron pipe marked thus: \bigcirc , have been placed as indicated to the approved finish grade.

Signature

..... (SEAL)
Registered Land Surveyor or Registered
Professional Engineer

Address:

Date:

STREET PROFILES, GRADE ESTABLISHMENT

Section 7. (a) Wherever Street Profiles are required by the Commission in connection with the filing of a subdivision plat, a preliminary study of street grades shall be filed with the Commission when the preliminary subdivision plat for the same area is presented for approval. The Preliminary Street Profiles shall show existing center line and property line grades and proposed center line grade, grade per cent, location and length of vertical curves and elevations of street intersections. All elevations shall be based on U. S. G. S. datum as used by the City.

(b) Upon tentative approval of the Preliminary Street Profiles, with or without amendment, the Final Street Profiles shall be prepared. The Final Street Profiles shall be drawn with India ink with the exception of the proposed center line grade and notations thereon which must be in pencil.

(c) In case the penciled grades are satisfactory to the Commission, the Street Profiles will be returned to the subdivider or his engineer to make any changes required and ink the pencil lines and notation.

(Note: The establishment of street grades is an important and inseparable part of every subdivision development project. It is most important that a study of grades, surface drainage and quantity and disposal of earth excavation be made at the time the subdivision design is being formulated. In case steep street grades, imperfect drainage or excessive excavation are shown by the street profiles it would indicate that a revision should be made of the street layout. The street grade should be established before the street is graded or paved, side walks built or water, sewer or gas mains laid. As the pavement elevation has an important bearing on floor grades and private drive entrances it is also important that the street be established in advance of any building construction.)

The final street profile plans should conform as to size, form and information with specimen plans on display in the office of the City Engineer.

SPECIAL REQUIREMENTS

Section 8. (a) Every plat for the subdivision of any lot, tract, or parcel of land that is a part of an existing subdivision previously recorded in a plat book in the County Land Records, shall be subject to the requirements of this section, in addition to the other requirements of these Regulations.

(b) Lots covered by any such plat shall be substantially the same character as to suitability for residential use, area, street frontage, alignment to streets and restrictions, as other land within the existing subdivision, and particularly with reference to similarly situated lots in the vicinity.

BUILDING PERMITS

Section 9. No building permit shall be issued for the construction of a dwelling or other structure unless said structure is to be located on a lot or parcel of land having direct frontage on a dedicated public street.

STREET IMPROVEMENT

Section 10. No final grading, sidewalk or pavement construction or the installation of utilities shall be permitted in the bed of any proposed street in a subdivision until the street grade has been officially established and the plat of same approved by the Commission in final form and placed on record.

RESTRICTIONS AND COVENANTS

Section 11. (a) No final subdivision plat shall be approved until a copy of all restrictions and covenants proposed for the land within the subdivision has been filed with the Commission and such restrictions and covenants have been found by it to be adequate for the protection of public health, safety, morals, and welfare, and the Commission has received adequate assurance that such restrictions and covenants, and no others, will be included in all sale contracts or deeds to the land within the subdivision.

(b) Restrictions and covenants should be so written that they may be amended to meet changed conditions after

approval by a majority of the front foot ownership within the portion of the subdivision affected, subject to the approval of the Commission.

RECORDING FINAL SUBDIVISION PLAT

Section 12. The Commission will upon final approval, keep two blue prints and one van dyke of the approved final subdivision plat for its records and return the tracing to the owner. The owner shall record final approved subdivision plat with the clerk of the Frederick County Circuit Court for the land records of said court within one year from the date of final approval by the Commission or the Commission's approval shall become null and void. No lots may be sold by reference to said final approved subdivision plat until it shall have been recorded as required by this section.

**RULES AND REGULATIONS APPROVED BY
MAYOR AND ALDERMEN**

Approved by the Board of Aldermen at a regular meeting held October 17th, 1945.

**THE MAYOR AND ALDERMEN
OF FREDERICK**

By HUGH V. GITTINGER, *Mayor*